

Minutes of the April 9, 1999 Meeting
City Council Chambers
25541 Barton Road
Loma Linda

1. Chair Stein called the meeting to order at 9:10 a.m.

Board Members Present

Karen Stein, Chair
John Withers, Vice-Chair
Evelyn Hart
Rodger Siems
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen White, Executive Assistant
Hope Smythe, Chief, Planning Section
Ken Theisen, Sanitary Engineering Associate, Planning Section
Robert L. Holub, Chief, SLIC and Dairies Section
Mark Smythe, Environmental Specialist III, Special Projects and Stormwater Section
Steve Mayville, Associate Water Resources Control Engineer, Surveillance Section
Mark Adelson, Chief, Surveillance Section

Legal Counsel

Tim Regan

State Member Present

Mary Jane Forster

Public in Attendance

Mitzy Taggart, Heal the Bay
Marie Wells, RCFC & WCD
John Borges, Western United Dairymen
Jim Colston, Orange County Sanitation District
Don Newcome, Milk Producers Council
Kathy Lee, Orange County Farm Bureau
Matt Rayl, Serrano Creek Ranch
Jay Aastrup, Farm Credit
Maynard Troost, Troost Dairies
Greg Troost, T and T Cattle
Marty Rigby, Orange County Water District
G. Durrington, Durrington Farms
Carolyn Whetzel, BNA Publications

John Kabashima, University of California, Orange County Cooperative Extension
Bob Feenstra, Milk Producers Council
Bryan Vander Dussen, John Vander Dussen Dairy
S. Vander Dussen, Milk Producers Council
Ron La Brahms, Farmer
Katherine O'Connor, Orange County Water District
R. M., Dairyman
Bernardine M., Dairy
Nathan de Boom, Milk Producers Council
Sid Sybrandy

3. Resolutions of Appreciation for former Regional Board Members Jerry A. King and Maurice Gallarda (postponed from the March 5, 1999, meeting).

Chair Stein presented Resolutions No. 99-46, and 99-48, to former Board Members Gallarda and King, respectively, for their exemplary service and dedication to the mission of the Regional Board.

4. Approval of minutes of Regional Board Meeting of March 5, 1999.

There being no additions or corrections, the minutes of the regular meeting held on March 5, 1999, were approved, as presented.

5. Consideration of Consent Calendar Items

(Item 6) – New Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA8000392) for the Metropolitan Water District of Southern California, Inland Feeder Project, Riverside and San Bernardino County. Order No. 99-21

(Item 7) – Revised Waste Discharge Requirements and a National Pollutant Discharge Elimination Systems Permit (NPDES No. CA0111007) for U. S. Air Force, March Air Reserve Base (MARB), Riverside County. Order No. 99-6

ACTION: It was moved by Board Member Henriques, seconded by Board Member Siems, and unanimously carried to adopt Orders No. 99-21 and 99-6, as presented.

8. Basin Plan Amendment – Fecal Coliform Total Maximum Daily Load for Newport Bay – Public Hearing - Resolution No. 99-10

(Information pertaining to this item is provided in a verbatim transcript).

Ken Theisen, Sanitary Engineering Associate, presented this item. Mr. Theisen stated that Regional Board consideration of the proposed TMDL was continued from the March 5, 1999 meeting to provide additional time for staff to review and respond to last minute comments received from the county and other stakeholders, and the peer reviewers. Mr. Theisen briefly reviewed these comments and the changes proposed by staff to address them. He also indicated that staff has contracted with Irvine Ranch Water District to provide risk assessment work, which would address some of the TMDL requirements. Mr. Theisen recommended that the Regional Board adopt Resolution No. 99-10, as presented.

Comments were provided by the following:

Mitzy Taggart, Heal the Bay, commended staff on the development of the proposed TMDL and the addition of the source monitoring program (Task 8) requirement. She expressed her opposition to some of the proposed interim compliance dates. She suggested that fecal coliform and enterococci be added to the proposed TMDL as indicators to determine whether the waters are safe for swimming in accordance with AB411. Ms. Taggart answered questions from the Regional Board.

Ms. Schneider and Mr. Theisen responded to these oral comments and other written comments submitted by Heal the Bay.

Jim Hyde, Irvine Ranch Water District, urged the interested parties to support Regional Board staff in implementing the proposed TMDL goals to solve the bacteria problem. He also acknowledged the exemplary work of Regional Board staff in preparing the TMDL and incorporating changes to address the comments received.

Board Member Hart asked questions regarding the pollution in the PCH Newport Bridge area and backbay channels. She also congratulated Regional Board staff on their success in obtaining support and involvement of the City of Costa Mesa.

ACTION: It was moved by Board Member Hart, seconded by Board Member Withers and unanimously carried to adopt Resolution No. 99-10, as presented.

11. Strategic Process Studies for Orange County Sanitation District (OCSD)

Steve Mayville, Associate Water Resources Control Engineer, Surveillance Section, presented this item. Mr. Mayville began his presentation with a historical overview of OCSD's Monitoring Program. OCSD currently discharges approximately 240 million gallons per day of treated wastewater into the southern California Bight area. The purpose of the monitoring program is to measure compliance with numeric and narrative standards of the California Ocean Plan, but also to measure impacts to the marine communities that may be affected by the discharge. Mr. Mayville reviewed the three components of the program, which include strategic process studies.

George Robertson of OSCD continued the presentation. He stated that the current strategic studies focus on the physical and chemical characteristics of the discharge plume. The focus of the proposed strategic studies is on biological characteristics. Mr. Robertson reviewed the proposed strategic process studies, which were developed in consultation with United States Environmental Protection Agency and Regional Board staff.

Mr. Mayville concluded the presentation by presenting a summary overview of proposed Resolution No. 99-49, strategic process studies for OCSD. He stated that the proposed strategies are appropriate to provide additional data regarding ocean behavior. Mr. Mayville recommended adoption of proposed Resolution No. 99-49, approving the Phase II, Year 2 strategic process studies proposed by OCSD.

ACTION: It was moved by Board Member Henriques, seconded by Board Member Hart, and unanimously carried to adopt Resolution No. 99-49, as presented.

9. Dairy General Permit Workshop

Robert Holub, Chief, SLIC and Dairies, presented this item. Mr. Holub began with an overview of the Dairy Regulatory Program. In 1994, the Regional Board adopted a general permit for animal confinement facilities. The general permit expired on March 31, 1999, and staff is in the process of developing a new dairy permit. Mr. Holub reviewed the proposed primary revisions to the dairy permit, prohibiting application of manure in the Chino Basin, requiring removal of all manure from property within 90 days after removal of the manure from corrals in the Chino Basin, and requiring development of an Engineered Waste Management Plan for all facilities. In addition, Mr. Holub noted this permit is being developed for only dairy related animals, and that staff will prepare a separate permit for horses, etc. Mr. Holub answered questions from the Regional Board.

Executive Officer Thibeault asked Mr. Holub whether there were any requirements of the proposed permit that could be deleted. Mr. Holub stated that the proposed requirements are the minimum necessary to comply with the federal and state laws.

Comments were provided by the following:

Martin Rigby, Orange County Water District, expressed OCWD's concerns regarding the high levels of salts and nitrates produced from the dairies that reach Orange County groundwater supplies through direct runoff from the Santa Ana River. He also talked about the cost of treating the groundwater and replacing corroded pipes that have been damaged by the flow of high salts. Mr. Rigby stated that OCWD supports the proposed permit as presented, and will continue to support additional funding for Regional Board dairy personnel.

Bob Feenstra, Milk Producers Council, Executive Director, talked about plans for another desalter in the Chino area and funding from the State Water Board. He also pointed out several concerns with the proposed tentative order regarding prohibition on manure application and the limitations on stockpiling requirement.

John Borges, Western United Dairymen, presented written comments and stated that Western United Dairymen would like to be a part of the development of the proposed permit. He stated that the agency has concerns with the stockpiling requirement and emphasized that the manure application prohibition is insufficient for growing crops.

John Flemming, Consulting Engineer, Western United Dairymen, talked about the plans of the agency to assist dairymen in addressing issues related to stockpiling and application of manure as proposed in the tentative permit. Mr. Flemming answered questions from the Regional Board.

George Borba, Jr., dairyman and farmer, expressed his concerns with the proposed manure prohibition. Mr. Borba stated that he stockpiles his manure and hauls it to Bakersfield. He noted that with the amount of manure that he currently has on his property, it will take him approximately 10 to 12 months for complete removal. Mr. Borba answered questions from the Regional Board.

Board Member Withers requested additional information regarding manure and costs associated with the removal process.

Glenn Durrington, farmer, expressed his concern with the proposed permit. He reiterated comments of Mr. Borba and stated that the manure prohibition would affect the ability to grow crops. Mr. Durrington urged the Regional Board to reconsider the proposed permit. He also

stated that he was not informed of the meeting and would like to be part of the development of the proposed permit.

Randy Mouw, dairyman, expressed his opposition to the proposed permit and his dismay with targeting the dairy industry for the high nitrate problems in Chino Basin. Mr. Mouw stated that additional research is needed to determine the source of the problem. He also requested that scientific methods be used in lieu of a technical model to gather data.

Board Member Hart asked for a statistical report on farming and dairies.

Matt Rayl, Serrano Creek Ranch, talked about his operations at his horse ranch. He expressed his concern with the 25-year, 24-hour storm requirement. He also thanked the Regional Board for separating the dairy and horse requirements. Mr. Rayl answered questions from the Regional Board.

S. Vander Dussen, dairyman, read into the record written comments expressing his opposition to the proposed permit and the manure application prohibition. He asked the Regional Board to eliminate the proposed requirement. Mr. Vander Dussen expressed his concern with dairies being singled out as the major cause for high nitrates in the Chino Basin area.

Lindell Marsh, Santa Ana River Watershed Group (SARWG), talked about the organization and funding from the United States Environmental Protection Agency to develop a strategy to reduce the nitrate problem in Chino Basin. He also stated that the SARWG is currently piloting projects to sewer dairy wastewater. Mr. Marsh answered questions from the Regional Board.

John Vanderbrink, Dairyman, made comments related to the proposed permit and cost affordability for dairymen to comply with the proposed requirements.

12. Proposed Litigation Involving the Rohr Industries Facility, Riverside

Chair Stein stated that this item has been postponed to the May 21, 1999 meeting.

13. Quarterly Violations Report

The Regional Board accepted the report as submitted.

14. Underground Storage Tanks Site Closure Report

The Regional Board accepted the report as submitted.

15. General Permits

The Regional Board accepted the report as submitted.

16. Hazardous Waste and Sewage Spill Incident Report

The Regional Board accepted the report as submitted.

17. Executive Officer's Report (information item)

The Regional Board accepted the report as submitted.

18. Board Member Communications

Discussion ensued regarding the dairy item. Board Member Siems requested to meet with staff prior to the regular meetings on dairy and agriculture related agenda items.

Bob Page, Daily Bulletin, asked questions regarding the Regional Board regulatory strategies to control and prevent further degradation as indicated in the proposed permit.

Katherine O'Connor, Orange County Water District, commented on the proposed dairy permit and OCWD's support of the revised permit. Ms. O'Connor stated that she would submit her comments in writing for the record.

Executive Officer Thibeault stated that a special workshop to discuss the dairy concerns may be appropriate. Regional Board Members expressed additional information regarding the dairy industry and requested a tour of the local dairies.

19. ADJOURNMENT

Chair Stein adjourned the meeting at 12:45 p.m., to the regular meeting of May 21, 1999, at 9:00 a.m., at the California Tower located at 3737 Main Street in Riverside.

Chair Stein thanked Tim Regan for acting as Legal Counsel.

Respectfully submitted: c


GERARD J. THIBEAULT
Executive Officer

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